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Proposed Attorneys for North General Service Corporation,  
North General Hospital and North General Diagnostic and Treatment Center  
Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re :  
NORTH GENERAL HOSPITAL *et al.* : Chapter 11  
: Case No. 10-13553 (SCC)  
: Debtors. : **Jointly Administered**  
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**HEARING AGENDA**

**Time and Date of Hearing:** August 2, 2010 at 10:00 a.m. (Eastern Time)

**Location of Hearing:** Courtroom of the Honorable Shelly C. Chapman, United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, Room 610, New York, New York 10004-1408.

**Copies of Motions:** A copy of each of the Motions may be viewed on the Court's website at [www.ecf.nysb.uscourts.gov](http://www.ecf.nysb.uscourts.gov) or (without charge at the Debtors' Information Website: at <http://dm.epiq11.com/NGH>

**I. UNCONTESTED MATTERS**

- (1) **Proposed Final Closure Plan Order** - Final Order Pursuant to Sections 105(a), 363, and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue the Implementation, in Accordance with New York State Law, of a Plan of Closure for the Debtors' Hospital and Certain Affiliated Outpatient Clinics and Practices; and [Docket No. 97 ]

**Related Documents:**

- Motion of the Debtors for Entry of Interim and Final Orders Pursuant to Sections 105(a), 363, and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue the Implementation, in Accordance with New York State Law, of a Plan of Closure for the Debtors' Hospital and Certain Affiliated Outpatient Clinics and Practices; and (II) Scheduling a Final Hearing [Docket No. 11]
- Interim Order Signed On 7/8/2010 (I) Authorizing The Debtors To Continue The Implementation, In Accordance With New York State Law, Of A Plan Of Closure For The Debtors Hospital And Certain Affiliated Outpatient Clinics And Practices; And (II) Scheduling A Final Hearing [Docket No. 26]

**Objection Deadline:** July 28, 2010

**Objections:** None

- (2) **EPIQ Retention** - Application to Employ Epiq Bankruptcy Solutions, LLC as Claims and Noticing Agent [Docket No. 41]

**Related Documents:** None

**Objection Deadline:** July 28, 2010

**Objections:** None

- (3) **Garfunkel Retention** - Application to Employ Garfunkel Wild, P.C. as Special Health Care and Regulatory Counsel [Docket No. 42]

**Related Documents:**

- Affidavit in Support of Application for Order Pursuant to Section 327(e) of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Authorizing the Employment and Retention of Garfunkel Wild, P.C. as Special Counsel for the Debtors. [Exhibit A to Docket No. 42]
- First Supplemental Affidavit in Support of Application for Order Pursuant to Section 327(e) of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Authorizing the Employment and Retention of Garfunkel Wild, P.C. as Special Counsel for the Debtors [Docket No. 81]

**Objection Deadline:** July 28, 2010

**Objections:** None

- (4) **Windels Retention** - Application to Employ Windels Marx Lane & Mittendorf, LLP as Counsel to the Debtors [Docket No. 43]

**Related Documents:**

- Affidavit of Charles E. Simpson in Support of Application to Employ Windels Marx Lane & Mittendorf, LLP [Exhibit A to Docket No. 43]
- Supplemental Affidavit of Charles E. Simpson in Support of Application to Employ Windels Marx Lane & Mittendorf, LLP [Docket No. 94]

**Objection Deadline:** July 30, 2010<sup>1</sup>

**Objections:** None

- (5) **Interim Monthly Comp.** - Debtors Motion Pursuant to Sections 105(a) and 331 of the Bankruptcy Code Establishing Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals [Docket No. 47]

**Related Documents:** None

**Objection Deadline:** July 28, 2010

**Objections:** None

**Declaration of No Objection:** Pursuant to 28 U.S.C. § 1746, Charles E. Simpson, a member of Windels Marx Lane & Mittendorf, LLP, proposed counsel to the Debtors, hereby declares that no objection has been filed or served with respect to the foregoing pleadings. In accordance with the Case Management Procedures approved by this Court in its order entered on July 7, 2010 (the “Case Management Order”), the Debtors’ hereby request that the relief sought in the foregoing pleadings be granted without the necessity of a hearing.

## **II. CONTESTED MATTERS**

- (6) **Final Debtor-in-Possession Financing Order – Final Order** Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to Incur Postpetition Indebtedness; (II) Granting Senior Security Interests and Superpriority Claims; (III) Authorizing Debtors Use of Cash Collateral; (IV) Granting Adequate Protection and Related Relief. [Docket No. 96]

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<sup>1</sup> At the request of the US Trustee’s Office, the Debtors extended the objection deadline to July 30, 2010.

**Related Documents:**

- Motion to Approve Debtor in Possession Financing /Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to Incur Postpetition Indebtedness; (II) Granting Senior Security Interests and Superpriority Claims; (III) Authorizing Debtors Use of Cash Collateral; (IV) Granting Adequate Protection and Related Relief; and (V) Scheduling an Interim and Final Hearing [Docket No. 12]
- Interim Order Signed On 7/9/2010 (I) Authorizing Debtors To Incur Postpetition Indebtedness; (II) Granting Senior Security Interests and Superpriority Claims; (III) Authorizing The Debtors To Use Cash Collateral; (IV) Granting Adequate Protection;(V) Providing Related Relief; And (VI) Scheduling a Final Hearing [Docket No. 31]

**Objection Deadline:** July 28, 2010

**Objections:**

- Objection of the Official Committee of Unsecured Creditors to the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to Incur Postpetition Indebtedness; (II) Granting Senior Security Interests and Superpriority Claims; (III) Authorizing Debtors Use of Cash Collateral; (IV) Granting Adequate Protection and Related Relief; and (V) Scheduling an Interim and Final Hearing [Docket No.81]

(7) **Utilities Motion** - Motion for Approval of Adequate Assurance of Payment to Utility Services and Continuation of Service [Docket No. 45]

**Related Documents:** None

**Objection Deadline:** July 28, 2010

**Objections:**

- Objection of the New York City Water Board to Debtors' Motion for an Order Pursuant to Bankruptcy Code Sections 105(a) and 366(a) Determining That Utility Companies Are Adequately Assured of Future Payment [Docket No. 77]

(8) **Reclamation Motion** - Debtors Motion for Entry of an Order Establishing Valid Reclamation Claims filed by Charles E. Simpson on behalf of North General Hospital. [Docket No. 44]

**Related Documents:**

- Response to Motion for Entry of an Order Establishing Procedures for Treatment of Valid Reclamation Claims (related document(s)[44]) filed by Thomas V. Askounis on behalf of Agfa Healthcare Corporation. (Attachments: # (1) Exhibit 1-4) [Docket No. 74]

**Objection Deadline:** July 28, 2010

**Objections:** None

- (9) **IFH Sale Motion -** Debtors Motion Pursuant to Sections 363 and 365 of the Bankruptcy Code and Rules 6004, 6006 and 9014 of the Federal Rules of Bankruptcy Procedure for Authorization to Assume an Unexpired Lease and Approve the Sale of Certain Assets [Docket No. 48]

**IMPORTANT NOTE:** At the request of the US Trustee's Office, that portion of the Motion requesting approval of the Medical Records Custody Agreement has been adjourned pending the filing of the Consumer Privacy Ombudsman's Report. The following two parts of the Motion will be going forward: (i) the Sale of Assets and (ii) the Lease Assumption.

**Related Documents:**

- Affidavit of John P. Maher In Support of the IFH Sale [Docket No. 95].

**Objection Deadline:** July 28, 2010

**Objections:**

- Limited Objection to Debtors Motion for Authorization to Assume an Unexpired Lease and Approve Sale of Certain Assets filed by Thomas V. Askounis on behalf of AFGA Healthcare Corporation. (Attachments: # (1) Exhibit 1-4) [Docket No.76]
- Objection To Motion Objection Of 1199SEIU United Healthcare Workers East To Debtors Motion Pursuant To Sections 353 And 365 Of The Bankruptcy Code And Rules 6004, 6006 And 9014 Of The Federal Rules Of Bankruptcy Procedure For Authorization To Assume An Unexpired Lease And Approve The Sale Of Certain Assets [Docket No. 79]
- Objection Of The Official Committee Of Unsecured Creditors To (A) Debtors' Motion Pursuant To Sections 363 And 365 Of The Bankruptcy Code And Rules 6004, 6006 And 9014 Of The Federal Rules Of Bankruptcy Procedure For Authorization To Assume An

Unexpired Lease And Approve The Sale Of Certain Assets And (B) Motion Of The Debtors For Entry Of Interim And Final Orders Pursuant To Sections 105(A), 363, And 1108 Of The Bankruptcy Code (I) Authorizing The Debtors To Continue The Implementation, In Accordance With New York State Law, Of A Plan Of Closure For The Debtors' Hospital And Certain Affiliated Outpatient Clinics And Practices; And (II) Scheduling A Final Hearing [Docket No. 80]

**Responses:**

- Debtors Response to Objection of The Official Committee Of Unsecured Creditors To (A) Debtors' Motion Pursuant To Sections 363 And 365 Of The Bankruptcy Code And Rules 6004, 6006 And 9014 Of The Federal Rules Of Bankruptcy Procedure For Authorization To Assume An Unexpired Lease And Approve The Sale Of Certain Assets And (B) Motion Of The Debtors For Entry Of Interim And Final Orders Pursuant To Sections 105(A), 363, And 1108 Of The Bankruptcy Code (I) Authorizing The Debtors To Continue The Implementation, In Accordance With New York State Law, Of A Plan Of Closure For The Debtors' Hospital And Certain Affiliated Outpatient Clinics And Practices; And (II) Scheduling A Final Hearing [Docket No. TBD]

**III. HEARINGS ON THE FOLLOWING MATTERS HAVE BEEN ADJOURNED UNTIL AUGUST 11, 2010**

- (1) **BDO Application** - Application to Employ BDO USA, LLP as Accountants for the Debtors [Docket No. 48]<sup>2</sup>
- (2) **Committee's Motion to Reconsider** - Motion to Authorize /Motion for Reconsideration of the Order (A) Authorizing but not Requiring Payment of Pre-Petition Wages and Related Obligations, (B) Authorizing Payment of Obligations Related to Medical Providers, and (C) Authorizing and Directing Banks to Honor Checks with Respect Thereto, Insofar as it Authorizes Payment of Obligations Related to Medical Providers [Docket No. 59]

**Related Documents:**

- Order Signed On 7/7/2010 (A) Authorizing But Not Requiring Payment Of Pre-Petition Wages And Related Obligations, (B) Authorizing Payment Of Obligations Related To Medical Providers; And (C) Authorizing And Directing Banks To Honor Checks With Respect Thereto. [Docket No. 19]

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<sup>2</sup> At the request of the US Trustee's Office, the hearing on the BDO retention application has been adjourned to August 11, 2010.

- Debtors' Motion for an Order (A) Authorizing but not Requiring Payment of Pre-Petition Wages and Related Obligations, (B) Authorizing Payment of Obligations Related to Medical Providers; and (C) Authorizing and Directing Banks to Honor Checks with Respect Thereto [Docket No. 6]
- Ex Parte Motion Pursuant to FED.R.BANKR. P. 9006(C) and Local R.BANKR.P. 9006-1(b) to Shorten Notice Period with Respect to the Motion of the Official Committee of Unsecured Creditors for Reconsideration of the Order (A) Authorizing but not Requiring Payment of Pre-Petition Wages and Related Obligations, (B) Authorizing Payment of Obligations Related to Medical Providers, and (C) Authorizing and Directing Banks to Honor Checks with Respect Thereto, Insofar as it Authorizes Payment of Obligations Related to Medical Providers (related document(s)[59]) filed by Martin G. Bunin on behalf of Official Committee of Unsecured Creditors. (Attachments: # (1) Exhibit A - Declaration of Martin G. Bunin# (2) Exhibit B - Proposed Order) [Docket No. 64]
- Order Granting Motion to Shorten Notice with Respect to the Motion of the Official Committee of Unsecured Creditors for Reconsideration of the Order (A) Authorizing but not Requiring Payment of Pre-Petition Wages and Related Obligations, (B) Authorizing Payment of Obligations Related to Medical Providers, and (C) Authorizing and Directing Banks to Honor Checks with Respect Thereto, Insofar as it Authorizes Payment of Obligations Related to Medical Providers (related document(s) 59 and 64 ) [Docket No. 67]

**Objection:** Deadline: July 29, 2010

**Objections:**

- Debtors Objection to the Motion of the Official Committee of Unsecured Creditors for Reconsideration of the Order (A) Authorizing but not Requiring Payment of Pre-Petition Wages and Related Obligations, (B) Authorizing Payment of Obligations Related to Medical Providers, and (C) Authorizing and Directing Banks to Honor Checks with Respect Thereto, Insofar as it Authorizes Payment of Obligations Related to Medical Providers [Docket No. 85]